

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Apr 23, 2015

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement between the City of Huntsville and Garver, L.L.C

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Garver, L.L.C. for Greenbrier Parkway, Phase III, from I-565 to North of Old Highway 20, Project No. 65-13-RD02 & ALDOT Project No. IAR-042-000-008

12-965 & 14-686

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for additional design services for drainage improvements and grant funding associated with Greenbrier Parkway, Phase III-A for a total modification amount of \$124,948.75. New end date: May 31, 2015. Account No. 23-6500-0813-8151

Associated Cost: \$124,948.75

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

1/16 part  
Department Head: Kathy Martin

Date: 4/20/15

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Engineering

Council Meeting Date: 4/23/2015

Department Contact: Lynn Majors

Phone # 256-427-5201

Contract or Agreement: Modification No. 2

Document Name: Garver-Greenbrier Pkwy PH III-A Mod 2 Project No. 65-13-RD02 & IAR-042-000-008

City Obligation Amount: \$124,948.75

Total Project Budget: \$660,448.06

Uncommitted Account Balance: 0

Account Number: 23-6500-0813-8151

## Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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## Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Lathyn Martin</i>	<i>4/20/15</i>
2) Legal	<i>Theresa Clotis</i>	<i>4/20/15</i>
3) Finance	<i>Al Conner</i>	<i>4/21/15</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 15-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to execute Modification No. 2 to the Agreement between the City of Huntsville and Garver, L.L.C., adopted and approved on the 1st day of November, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-965, and amended on the 11th day of September, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-686, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from FIVE HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED NINETY-NINE AND .31/100 DOLLARS (\$535,499.31) to SIX HUNDRED SIXTY THOUSAND FOUR HUNDRED FORTY-EIGHT AND .06/100 DOLLARS (\$660,448.06), including this Modification No. 2, an increase of ONE HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED FORTY-EIGHT AND .75/100 DOLLARS (\$124,948.75). New end date: May 31, 2015. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and Garver, L.L.C. for Greenbrier Parkway, Phase III, from I-565 to North of Old Highway 20, Project No. 65-13-RD02 & ALDOT Project No. IAR-042-000-008, as adopted by Resolution No. 12-965 of November 1, 2012, and amended by Resolution No. 14-686 of September 11, 2014" consisting of a total of three (3) pages plus six (6) additional pages consisting of Attachment "A", and the date of April 23, 2015, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

**ADOPTED** this the 23rd day of April, 2015.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 23rd day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 2 to Agreement between  
the City of Huntsville and Garver, L.L.C. for  
Greenbrier Parkway, Phase III, from I-565  
to North of Old Highway 20, Project No. 65-  
13-RD02 & ALDOT Project No. IAR-042-  
000-008, as adopted by Resolution No. 12-  
965 of November 1, 2012, and amended by  
Resolution No. 14-686 of September 11,  
2014

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 1st day of November, 2012, in the amount of FOUR HUNDRED SEVENTY-THREE THOUSAND FOUR HUNDRED NINETY-NINE AND .31/100 DOLLARS (\$473,499.31), and amended on the 11th day of September, 2014, in the amount of SIXTY-TWO THOUSAND AND NO/100 DOLLARS (\$62,000.00), for a total contract amount of FIVE HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED NINETY-NINE AND .31/100 DOLLARS (\$535,499.31). The original Agreement is hereby amended by Modification No. 2 dated April 23, 2015, in the amount of ONE HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED FORTY-EIGHT AND .75/100 DOLLARS (\$124,948.75) for a revised contract amount of SIX HUNDRED SIXTY THOUSAND FOUR HUNDRED FORTY-EIGHT AND .06/100 DOLLARS (\$660,448.06), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and GARVER, L.L.C., (ENGINEER).

**WITNESSETH**

**WHEREAS**, the firm identified as the ENGINEER to the Agreement dated November 1, 2012, and amended on September 11, 2014, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change for additional design services for drainage improvements and grant funding associated with Greenbrier Parkway, Phase III.

**WHEREAS**, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Garver, L.L.C. will provide for additional design services for drainage improvements and grant funding associated with Greenbrier Parkway, Phase III at a time and materials cost not to exceed ONE HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED FORTY-EIGHT AND .75/100 DOLLARS (\$124,948.75). New end date: May 31, 2015.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL

Date: April 23, 2015

2. Item #1 shall be performed in accordance with the original agreement dated November 1, 2012, and approved by the City Council by Resolution No. 12-965, and as described in the letter from Scott Leach to Kathy Martin, dated April 16, 2015, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

**IN WITNESS WHEREOF**, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Hagood  
City Clerk-Treasurer

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

ENGINEER: GARVER, L.L.C.

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

STATE OF ALABAMA    )  
COUNTY OF MADISON   )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry D. McCarley, as Vice President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**ATTACHMENT "A"**



5125A Research Drive  
Huntsville, AL 35805

TEL 256.534.5512  
FAX 256.534.5544

www.GarverUSA.com

April 16, 2015

*KM*  
Mrs. Kathy Martin, P.E.  
Director of Engineering  
City of Huntsville  
320 Fountain Circle  
Huntsville, AL 35801

**RE: Proposal for Contract Modification #2  
Engineering Design and Grant Coordination Services for  
ALDOT Project No. IAR-042-000-008; COH Project No. 65-13-RD02  
Greenbrier Parkway, Phase III-A from  
North of I-565 to South of Norfolk Southern Railway  
In the City of Huntsville, Limestone County, AL**

Mrs. Martin:

We appreciate the opportunity to submit a proposal for the additional Engineering Design and grant application / coordination services necessary to comply with grant funding requirements for the proposed site development at Greenbrier Parkway, Phase III-A (ALDOT Project No. IAR-042-000-008.) Included herewith are two (2) copies of our Man-Day Estimate, Fee Proposal, and Scope of Services for your use and review.

The Total Lump Sum Fee Amount we propose for performing the Scope of Services described in Appendix A is \$124,948.75. S&ME, Inc. is our sub-consultant responsible for preparing the Materials Report as required per ALDOT specifications. The total fee amount for sub-consultant services is \$2,850.75 which includes \$135.75 for Garver's 5% sub-consultant administration fee. Garver's contract completion date for this work should be May 31, 2015. Our fee schedule is valid for the duration of this contract.

Please review these items at your convenience and let me know if you have questions or need anything further regarding this project or the items submitted. We will begin work immediately following approval and execution of our contract with the City. We look forward to working with you and the City of Huntsville on this very important project.

Sincerely,  
Garver, LLC

Scott C. Leach, PE  
Senior Project Manager

## **Appendix A – Scope of Services**

ALDOT Project Number IAR-042-000-008

COH Project Number 65-13-RD02

Greenbrier Parkway, Phase III-A

From North of I-565 to South of Norfolk Southern Railway

In the City of Huntsville, Limestone County, Alabama

### **Additional Engineering Design and Grant Application/Coordination Services:**

Garver, LLC, (Engineer) has performed engineering design and grant funding coordination services associated with the proposed site development for Greenbrier Parkway, Phase III-A, also known as ALDOT Project No. IAR-042-000-008. 100% Complete – Ready to Advertise plans were submitted January 22, 2015, for the entire Greenbrier Parkway, Phase III project as defined in the original contract. Following submittal of Final Plans, Engineer provided assistance in preparing an Industrial Access Road grant application for a portion of the project. The State awarded a \$4 Million grant for construction. Substantial revisions to the plans assembly were necessary to meet IAR grant requirements. Our man-hour estimate and fee proposal for performing the additional services required for ALDOT review and approval of the IAR project is attached hereto as Appendix B. The Engineer will provide the following additional services:

- Redesign drainage to accommodate the proposed site development plans
- Prepare contour grading plan and access road design coordination for site development
- Modify contract plans assembly to break project into two phases (Phase III-A and III-B)
- Revise Phase III-A Roadway Contract Plans to ALDOT standards for review and approval
- Assistance and Coordination for Industrial Access Road grant application
- Prepare design layouts and mapping related to Project Axle
- Traffic Signal Design at Greenbrier Road / Greenbrier Parkway intersection
- Emergency Traffic Signal Design at City of Huntsville Fire & Rescue Station No. 18
- Prepare Structural Design for two Special Junction Boxes for double 72" pipes boxes
- Assist in preparing Advertisement for Construction, Pre-Bid Meetings, Bid Openings, etc.
- Sub-consultant services; S&ME, Inc. update to Materials Report to ALDOT specifications (Fee Proposal and Scope of Services for S&ME, Inc. is attached hereto as Appendix C.)



## APPENDIX B

Garver - Estimated Labor Requirements and Anticipated Personnel  
Engineering Design and Grant Funding Coordination Services for the Proposed Site Development for Greenbrier Parkway, Phase III-A  
ALDOT Project No. IAR-042-000-008

	Senior PM, E-5	Project Manager, E-3	Project Engineer, E-1	Technician, T-2	Admin, X-1	Total
	Scott Leach, PE	Patra Crenshaw, PE Blake Staton, PE Zachary Turner, PE	Kendall Brown, EIT	Amanda Mason Thomas Clinton	Peggy Bridgeman	Estimated
TASK ITEMS	@ \$181/Hour	@ \$127/Hour	@ \$94/Hour	@ \$90/Hour	@ \$48/Hour	Cost
Revise Drainage Design to accommodate proposed site development	12	160	120	60	4	\$39,364.00
Prepare Contour Grading Plans and Access Road design coordination	4	40	32	20		\$10,612.00
Prepare Phase III-A contract plans & submit for ALDOT review/approval	12	80	200	180	4	\$47,524.00
Assistance & Coordination for Industrial Access Road grant application	8	2	12	12		\$3,910.00
Proposed design layouts and mapping for Project Axle & IAR grant	4	2	10	16		\$3,358.00
Traffic Signal Design at Greenbrier Parkway & Greenbrier Road/Polaris	4	32	24	20		\$8,844.00
Emergency Signal Design at COH Fire & Rescue Station No. 18	2	20	16	12		\$5,486.00
Prepare Structural Design for two Special Junction Boxes (Double 72")	4	60		40		\$11,944.00
Assist in preparing Advertisement, Pre-Bid Meeting, Bid Opening, etc	8	2	4		1	\$2,126.00
Prepare the submittals / certifications required for ALDOT approval	4	2	2		1	\$1,214.00
						Engineering Design and Grant Funding Coordination Services Subtotal = \$119,098.00
Sub-Consultant Services						
S&ME, Inc. update Materials Report per ALDOT specifications						
+ Garver 5% sub-consultant administration fee						\$2,715.00
						\$135.75
						Sub-Consultant Services Subtotal = \$2,850.75
						Estimated Direct Cost (Project Mapping, Reproductions, Copies, ALDOT Plans Submittal, etc.) = \$3,000.00
Total Hours	62	400	420	360	10	
Hourly Rate	\$181.00	\$127.00	\$94.00	\$90.00	\$48.00	
Cost	\$11,222.00	\$50,800.00	\$39,480.00	\$32,400.00	\$480.00	
						Total Estimated, Lump Sum Contract Amount = \$124,948.75



April 3, 2015

Garver, LLC  
5125A Research Drive  
Huntsville, Alabama 35805

Attention: Mr. Scott Leach, P.E.

**Subject: Change Request for Geotechnical Engineering Services**  
Greenbrier Parkway Phase One (ALDOT Revisions)  
Huntsville, Limestone County, Alabama  
S&ME Project Number: 1282-14-029

S&ME, Inc. (S&ME) is pleased to submit this change request to revise our Geotechnical report to address ALDOT comments due to newly acquired ALDOT funding for the Huntsville Greenbrier Parkway Phase One. S&ME Proposal 12-103, dated October 24, 2012, was authorized via Work Order No. 12057000.

### **PROJECT CHANGES & ADDITIONAL SCOPE OF SERVICES**

ALDOT comments were provided by Mr. Scott Leach of Garver to Mr. Jeremy Jess of S&ME on March 16, 2015 by e-mail. The project was not initially ALDOT funded therefore ALDOT procedures were not required to complete the Materials report. S&ME understands the project was later funded with ALDOT funds and the report needed to be updated to address the comments included from an ALDOT review of the original report. The change in fee is a result of engineering and administrative time addressing the ALDOT comments and publishing a new report.

### **CHANGE IN FEES**


S&ME proposes to provide the additional services for a fee of **\$2,715.00**. The revised budget for our Geotechnical Engineering Services, including the original scope of services will be \$16,792.70. These services are proposed to be amended to the existing contract which was outlined in Work Order 12057000.

### **CLOSING**

S&ME, Inc. appreciates the opportunity to offer our services to Garver for this project. If you should have questions concerning this proposal, please contact us.

Respectfully submitted,  
S&ME, Inc.

  
Jeremy C. Jess, PE  
Project Engineer

  
Jeffrey C. Pepper, PE  
Senior Geotechnical Engineer

Attached: Additional Budget Spreadsheet

Additional Budget  
GREENBRIER PARKWAY  
Huntsville, Limestone County, Alabama

ITEM	Quantity	Unit	UNIT RATE	TOTAL
<b>Report Generation</b>				
Staff Professional 2 (per hr)	1	Hour	\$ 75.00	\$ 75.00
Staff Professional 4 (per hr)	23	Hour	\$ 95.00	\$ 2,185.00
Staff Professional 5 (per hr)	3	Hour	\$ 125.00	\$ 375.00
Draftsman (per hr)	0	Hour	\$ 50.00	-
Adminstrative support	2	Hour	\$ 40.00	\$ 80.00
Photographs (each)	0	each	\$ 2.00	-
Reproduction of Report (per page)	0	Each	\$ 0.25	-
Mylar Drill Logs (per page)	0	Each	\$ 7.00	-
<b>Report Generation Subtotal</b>			\$	<b>2,715.00</b>
<b>Total Budget Estimate</b>				<b>\$ 2,715.00</b>

**Garver, LLC**  
**2015 Hourly Rate Schedule**  
Valid Through 12/31/2015

<b>Classification</b>	<b>2015 Rates</b>
<b>Engineers / Architects</b>	
M-1	309.00
E-6	221.00
E-5	181.00
E-4	144.00
E-3	127.00
E-2	114.00
E-1	94.00
<b>Planners</b>	
P-2	136.00
P-1	113.00
<b>Designers</b>	
D-4	142.00
D-3	119.00
D-2	110.00
D-1	84.00
<b>Technicians</b>	
T-3	105.00
T-2	90.00
T-1	78.00
<b>Surveyors</b>	
S-6	168.00
S-5	114.00
S-4	93.00
S-3	69.00
S-2	54.00
S-1	42.00
1-Man Crew (Survey)	137.00
2-Man Crew (Survey)	165.00
3-Man Crew (Survey)	204.00
2-Man Crew (GPS Survey)	183.00
3-Man Crew (GPS Survey)	221.00
<b>Construction Observation</b>	
C-4	198.00
C-3	157.00
C-2	115.00
C-1	85.00
<b>Administration</b>	
M-1	270.00
X-4	111.00
X-3	85.00
X-2	64.00
X-1	48.00
<b>Intern</b>	
I-1	48.00